

Application Number 10/538634
Response to the Office Action dated September 19, 2008

REMARKS

Favorable reconsideration of this application is requested in view of the following remarks.

Claims 1, 7, 12, and 18 have been amended to use a term "coated" instead of "treated" as supported by the specification at page 16, lines 14-21. Claims 8, 9, 19, and 20 have been amended editorially.

Claims 28-33 have been added. Claims 28 and 31, claims 29 and 32, and claims 30 and 33 are supported by the specification at page 16, lines 14-21, page 17, lines 8-13, and page 17, lines 1-17, respectively.

Claims 8 and 19 have been objected to because of informalities. Claims 8-9 and 19-20 have been amended to correct the informalities. Accordingly, this objection should be withdrawn.

Claims 1, 3, and 6 have been rejected under 35 U.S.C. 102(e) as being anticipated by Sugiura et al. (U.S. Patent Application Publication No. 2003/0152857). Applicant respectfully traverses this rejection.

Claim 1 requires that the additive contain an inorganic micropowder and that surface of the micropowder be coated with polysiloxane and fatty acid or its derivative. Even if Sugiura discloses a toner containing an additive such as fine inorganic particles and zinc stearate, Sugiura does not disclose that the fine inorganic particles are coated with a combination of polysiloxane and fatty acids or derivatives thereof as claim 1 requires (see paras. [0203] and [0204]). In Sugiura, zinc stearate particles and silica particles are simply mixed with dimethyl silicone oil, and as a result, the zinc stearate particles and the silica particles are in the toner (see example 9-B at para. [0543] and [0525]-[0526]), and it is not disclosed that the zinc stearate coats the silica particles.

Application Number 10/538634
Response to the Office Action dated September 19, 2008

Accordingly, claim 1 is distinguished from Sugiura, and this rejection should be withdrawn.

Claims 12, 14, 17, 23, and 24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiura et al. (U.S. Patent Application Publication No. 2003/0152857) in view of Kobayashi et al. (U.S. Patent Application Publication No. 2003/0091923). Applicant respectfully traverses this rejection.

Claim 12 includes a similar coating feature that the micropowder is coated with polysiloxane and fatty acid or its derivative to the coating of claim 1. Accordingly, for at least the same reasons discussed for claim 1 above, claim 12 is distinguished from Sugiura.

Kobayashi is directed to a carrier (see abstract) and fails to disclose that the inorganic micropowder of a toner is coated with polysiloxane and fatty acid or its derivative. Thus, Kobayashi does not remedy the deficiencies of Sugiura.

Accordingly, claim 12 is distinguished from Sugiura in view of Kobayashi, and this rejection should be withdrawn.

Claims 4 and 5 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiura et al. (U.S. Patent Application Publication No. 2003/0152857) in view of "Technical Information TI 1222, Special Hydrophobic AEROSIL® (SHA) for Toners," Nippon Aerosil, p. 5. Applicant respectfully traverses this rejection.

Claim 1 and accordingly, claims 4 and 5 are distinguished from Sugiura for at least the same reasons as discussed for claim 1 above.

TI 1222 discloses use of polysiloxane such as dimethylpolysiloxane (see AEROSIL RY 50, NY 50, RY 200, RY 200S, and R202) but fails to disclose that the inorganic micropowder of a toner is coated with polysiloxane and fatty acid or its derivative as claim 1 and accordingly, claims 4 and 5 require. Thus, TI 1222 does not remedy the deficiencies of Sugiura.

Accordingly, claims 4 and 5 are distinguished from Sugiura in view of TI 1222, and this rejection should be withdrawn.

Application Number 10/538634
Response to the Office Action dated September 19, 2008

Claims 15 and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiura et al. (U.S. Patent Application Publication No. 2003/0152857) in view of Kobayashi et al. (U.S. Patent Application Publication No. 2003/0091923) and in view of "Technical Information TI 1222, Special Hydrophobic AEROSIL® (SHA) for Toners," Nippon Aerosil, p. 5. Applicant respectfully traverses this rejection.

Claim 12 and accordingly, claims 15 and 16 are distinguished from Sugiura in view of Kobayashi for at least the same reasons as discussed for claim 12 above.

As discussed above for claims 4 and 5, TI 1222 fails to disclose that the inorganic micropowder of a toner is coated with polysiloxane and fatty acid or its derivative as claim 12 and accordingly, claims 15 and 16 require. Thus, TI 1222 does not remedy the deficiencies of Sugiura.

Accordingly, claims 15 and 16 are distinguished from Sugiura in view of Kobayashi and in view of TI 1222, and this rejection should be withdrawn.

Claim 10 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiura et al. (U.S. Patent Application Publication No. 2003/0152857) in view of Tyagi et al. (U.S. Patent No. 6,156,473). Applicant respectfully traverses this rejection.

Claim 1 and accordingly, claim 10 are distinguished from Sugiura for at least the same reasons as discussed for claim 1 above.

Tyagi discloses use of particles of aliphatic amide or aliphatic acid and particles of silica (see coln. 7, lines 62-66 and table 2 at coln. 12) but fails to disclose that the inorganic micropowder of a toner is coated with polysiloxane and fatty acid or its derivative as claim 1 and accordingly, claim 10 require. Thus, Tyagi does not remedy the deficiencies of Sugiura.

Accordingly, claim 10 is distinguished from Sugiura in view of Tyagi, and this rejection should be withdrawn.

Claim 21 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiura et al. (U.S. Patent Application Publication No. 2003/0152857) in view of

Application Number 10/538634
Response to the Office Action dated September 19, 2008

Kobayashi et al. (U.S. Patent Application Publication No. 2003/0091923) and further in view of Tyagi et al. (U.S. Patent No. 6,156,473). Applicant respectfully traverses this rejection.

Claim 12 and accordingly, claim 21 are distinguished from Sugiura in view of Kobayashi for at least the same reasons as discussed for claim 12 above.

As discussed above for claim 10, Tyagi fails to disclose that the inorganic micropowder of a toner is coated with polysiloxane and fatty acid or its derivative as claim 12 and accordingly, claim 21 require, and Tyagi does not remedy the deficiencies of Sugiura in view of Kobayashi.

Accordingly, claim 21 is distinguished from Sugiura in view of Kobayashi and further in view of Tyagi, and this rejection should be withdrawn.

Claims 7-11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiura et al. (U.S. Patent Application Publication No. 2003/0152857) in view of Yuasa et al. (U.S. Patent Application Publication No. 2002/0086229). Applicant respectfully traverses this rejection.

Claim 1 and accordingly, claims 7-11 are distinguished from Sugiura for at least the same reasons as discussed for claim 1 above.

Yuasa discloses use of silica fine powder, which is treated or coated with silicon oil, and meadow form of fatty acid and its derivatives (see paras. [0034] and [0039]) but fails to disclose that the inorganic micropowder of a toner is coated with polysiloxane and fatty acid or its derivative as claim 1 and accordingly, claims 7-11 require. Thus, Yuasa does not remedy the deficiencies of Sugiura.

Accordingly, claims 7-11 are distinguished from Sugiura in view of Yuasa, and this rejection should be withdrawn.

Claims 18-22 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiura et al. (U.S. Patent Application Publication No. 2003/0152857) in view of Kobayashi et al. (U.S. Patent Application Publication No. 2003/0091923) and in view of

Application Number 10/538634
Response to the Office Action dated September 19, 2008

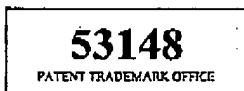
Yuasa et al. (U.S. Patent Application Publication No. 2002/0086229). Applicant respectfully traverses this rejection.

Claim 12 and accordingly, claims 18-22 are distinguished from Sugiura in view of Kobayashi for at least same reasons as discussed for claim 12 above.

As discussed above, Yuasa fails to disclose that the inorganic micropowder of a toner is coated with polysiloxane and fatty acid or its derivative as claim 12 and accordingly, claims 18-22 require, and Yuasa does not remedy the deficiencies of Sugiura.

Accordingly, claims 18-22 are distinguished from Sugiura in view of Kobayashi and in view of Yuasa, and this rejection should be withdrawn.

In view of the above, Applicant requests reconsideration of the application in the form of a Notice of Allowance.

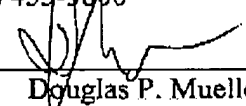


Dated: December 19, 2008

DPM/my/ad

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

By: 
Douglas P. Mueller
Reg. No. 30,300